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24 Attorneys for Appellee
25 Physicians for Healthy Hospitals, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

In re)	D.C. Case No.: 10-CV-00730-SVW
)	
)	Bankr. Case No. 6:07-bk-18293-PC
VALLEY HEALTH SYSTEM, a)	
California Local Health Care District,)	Adv. Pro. No. 6:09-ap-01708-PC
)	
)	Chapter 9
Debtor.)	

PRIME HEALTHCARE
MANAGEMENT, INC., a California
Corporation; ALBERT L. LEWIS, JR.,
a taxpayer and resident of the VHS local
health care district; JOHN LLOYD, a
taxpayer and resident of the VHS local
healthcare district; EDWARD J.
FAZEKAS, a taxpayer and resident of
the VHS local health care district,

Appellant,

v.

VALLEY HEALTH SYSTEM, a
California local healthcare district;
PHYSICIANS FOR HEALTHY
HOSPITALS, INC., a California
Corporation,

Appellees.

**APPLICATION TO EXTEND
DEADLINE FOR APPELLEES'
OPENING BRIEF**

**TO THE COURT, OFFICE OF THE UNITED STATES TRUSTEE,
AND OTHER PARTIES IN INTEREST:**

PLEASE TAKE NOTICE THAT applicant-appellees, Valley Health System, a California Local Health Care District (the "District"), and Physicians for Healthy Hospitals, Inc. ("PHH" and with the District, the "Appellees"), hereby file this application, under Local Rule of Bankruptcy Procedure 8009-5.6, for a 45-day extension of the deadline by which the Appellees must file their opening brief in the above-captioned appeal. In support of this application, the Appellees submit the "Stipulation to Extend Deadline for Appellees' Opening Brief" (the "Briefing Schedule Stipulation"), by which the Appellees, on the one hand, and Prime Healthcare Management, Inc. ("Prime"); Save the Hospitals, Inc.; Albert L. Lewis, Jr.; John Lloyd; and Edward J. Fazekas (collectively, the "Appellants"), on the other, agree to the requested extension, and the "Declaration of H. Alexander Fisch" in support of this application (the "Fisch Declaration"). The Briefing Schedule Stipulation and the Fisch Declaration are attached hereto as Exhibits "A" and "B," respectively.

The Appellants filed their opening brief on October 13, 2010, having received a 45-day extension upon their application filed on August 19, 2010. Accordingly, the Appellees' opening brief is currently due on October 27, 2010.

The Appellants and Appellees have agreed that a 45-day extension of the deadline by which the Appellees must file their opening brief is appropriate under the circumstances. Thus, the Appellants have agreed to, and do not oppose, the proposed extension.

The plan of adjustment, confirmed by order of the bankruptcy court on April 26, 2010, which is the subject of this appeal, became effective on October 13, 2010, and the sale that was authorized by the confirmation order closed on October 13, 2010. As stated in the Appellants' previous request for an extension of time to file their opening brief, the closing of that sale may have rendered this appeal moot. The

1 Appellees intend to file a motion to dismiss this appeal in the near future. The
2 Appellants and Appellees have agreed that the question of whether this appeal is moot
3 should be resolved by the Court before the expenditure of further resources of the
4 Court and parties on the appeal. The requested extension would also increase the
5 chance that this appeal will be resolved through settlement.

6 The Appellees therefore request an additional 45 days, until December
7 13, 2010 or such other date as this Court may order, to file their opening brief.

8
9
10 Dated: October 15, 2010

STUTMAN, TREISTER & GLATT
PROFESSIONAL CORPORATION
CHARLES D. AXELROD
GARY E. KLAUSNER
H. ALEXANDER FISCH

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16 By: /s/ H. Alexander Fisch

17 Attorneys for Appellee
18 VALLEY HEALTH SYSTEM
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EXHIBIT A

1 CHARLES D. AXELROD (SBN 39507)
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3 H. ALEXANDER FISCH (SBN 223211)
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25 Physicians for Healthy Hospitals, Inc.

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4 In re

5
6 VALLEY HEALTH SYSTEM, a
7 California Local Health Care District,

8 Debtor.

9 PRIME HEALTHCARE
10 MANAGEMENT, INC., a California
11 Corporation; ALBERT L. LEWIS, JR., a
12 taxpayer and resident of the VHS local
13 health care district; JOHN LLOYD, a
14 taxpayer and resident of the VHS local
15 healthcare district; EDWARD J.
16 FAZEKAS, a taxpayer and resident of
17 the VHS local health care district,

18 Appellant,

19 v.

20 VALLEY HEALTH SYSTEM, a
21 California local healthcare district;
22 PHYSICIANS FOR HEALTHY
23 HOSPITALS, INC., a California
24 Corporation,

25 Appellees.

) D.C. Case No.: 10-CV-00730-SVW

) Bankr. Case No. 6:07-bk-18293-PC

) Adv. Pro. No. 6:09-ap-01708-PC

) Chapter 9

) **STIPULATION TO EXTEND
DEADLINE FOR APPELLEES'
OPENING BRIEF**

1 Appellees, Valley Health System, a California Local Health Care District
2 (the "District"), and Physicians for Healthy Hospitals, Inc. ("PHH"), on the one hand,
3 and Appellants, Prime Healthcare Management, Inc. ("Prime"); Save the Hospitals,
4 Inc.; Albert L. Lewis, Jr.; John Lloyd; and Edward J. Fazekas (collectively, the
5 "Appellants") hereby stipulate to a 45-day extension of the deadline by which the
6 Appellees must file their opening brief in the above captioned appeal. This stipulation
7 is based on the following facts:

8 RECITALS

9 The Appellants filed their opening brief on October 13, 2010, having
10 received a 45-day extension upon their application filed on August 19, 2010.
11 Accordingly, the Appellees' opening brief is currently due on October 27, 2010.

12 The Appellants and Appellees agree that a 45-day extension of the
13 deadline by which the Appellees must file their opening brief is appropriate under the
14 circumstances. The plan of adjustment, confirmed by order of the bankruptcy court on
15 April 26, 2010, which is the subject of this appeal, became effective on October 13,
16 2010, and the sale which was authorized by the confirmation order closed on October
17 13, 2010. As stated in the Appellants' previous request for an extension of time to file
18 their opening brief, the closing of that sale may have rendered this appeal moot. The
19 Appellees intend to file a motion to dismiss this appeal in the near future. The
20 Appellants and Appellees agree that the question of whether this appeal is moot
21 should be resolved by the Court before the expenditure of further resources of the
22 Court and parties on the appeal. The requested extension would also increase the
23 chance that this appeal will be resolved through settlement.

24 STIPULATION

25 Based on the forgoing, the Appellants and Appellees hereby agree and
26 stipulate as follows:

27 The Appellees shall have an additional 45 days, until December 13, 2010
28 or such other date as this Court may order, to file their opening brief.

1 It is so stipulated.
2

3 Dated: October 15, 2010
4

STUTMAN, TREISTER & GLATT
PROFESSIONAL CORPORATION

5 CHARLES D. AXELROD
6 GARY E. KLAUSNER
7 H. ALEXANDER FISCH
8

9 By: 
10

Attorneys for Appellee
VALLEY HEALTH SYSTEM
11

12 Dated: October 15, 2010
13

MICHAEL J. SARRAO
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15
16 By: 
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Attorney for Appellants
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EXHIBIT B

DECLARATION OF H. ALEXANDER FISCH

I, H. Alexander Fisch, declare as follows:

1. I am an attorney duly licensed to practice before the courts of the State of California and before this Court. I am a member of Stutman, Treister & Glatt Professional Corporation, chapter 9 counsel to Valley Health System (the "District"), an appellant in the appeal pending before this Court as case number 10-CV-00730-SVW, and debtor in the chapter 9 bankruptcy case underlying that appeal. I make this declaration in support of the "Application to Extend Deadline for Appellees' Opening Brief" (the "Application") filed concurrently herewith by the District and Physicians for Healthy Hospitals, Inc. (together, the "Appellees"), and do so based on my personal knowledge.

2. Prime Healthcare Management, Inc.; Save the Hospitals, Inc.; Albert L. Lewis, Jr.; John Lloyd; and Edward J. Fazekas (collectively, the "Appellants") filed their opening brief on October 13, 2010, having received a 45-day extension upon their application filed on August 19, 2010. Accordingly, the Appellees' opening brief is currently due on October 27, 2010.

3. The plan of adjustment, confirmed by order of the bankruptcy court on April 26, 2010, which is the subject of this appeal, became effective on October 13, 2010, and the sale that was authorized by the confirmation order closed on October 13, 2010. In the Appellants' previous request for an extension of time to file their opening brief, the Appellants stated that the closing of that sale may render this appeal moot. The Appellees intend to file a motion to dismiss this appeal in the near future on the ground that it is moot.

4. My partner, Gary Klausner, informed me on the evening of October 13, 2010, that he had spoken with counsel for the Appellants, Michael Sarrao, about amending the briefing schedule so that the question whether this is moot could be addressed by this Court on a regularly noticed motion. Mr. Klausner told me that Mr. Sarrao was amenable to stipulating to a 45-day extension of the deadline for the

1 Appellees' opening brief. Thus, on October 14, 2010, I sent a draft stipulation to
2 counsel for the Appellants, Michael Sarrao, providing for such a 45-day extension.
3 Mr. Sarrao executed that stipulation on October 15, 2010, and a true and correct copy
4 of that stipulation is attached to the Application as Exhibit "A."

5 5. Accordingly, the Appellants and Appellees have agreed to the
6 extension requested in the Application.

7 I declare under penalty of perjury that the foregoing is true and correct to
8 the best of my knowledge, information and belief.

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10 DATED this 15th day of October 2010 at Los Angeles, California,

11
12 /s/ H. Alexander Fisch

13 H. Alexander Fisch, Esq.
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DECLARATION OF SERVICE

I, Joanne B. Stern, declare and state as follows:

I am over the age of 18 years and not a party to the within action. I am employed in an office that employs a member of the bar of this court, at whose direction the within service was made. My business address is 1901 Avenue of the Stars, 12th Floor, Los Angeles, California 90067.

On October 15, 2010, I served the following pleading:

**[PROPOSED] ORDER GRANTING APPELLEE'S APPLICATION TO
EXTEND DEADLINE FOR OPENING BRIEF**

on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes with first class postage thereon fully prepaid in the United States mail. All envelopes were deposited at Los Angeles, California addressed as follows:

See the attached Service List

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 15, 2010, at Los Angeles, California.

/s/Joanne B. Stern

Joanne B. Stern, Declarant

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VALLEY HEALTH SYSTEM
5965 - Special Notice List
Revised 03/16/10
Doc. No. 483619v4

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Hemet, CA 92543

Internal Revenue Service
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290 North "D" Street
San Bernardino, CA 92401

Securities Exchange Commission
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